

THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 7973 of 2006

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Oral order:

The petitioners, who are employees of M/s. Lakshmi General Stores, Besant Road, Vijayawada, filed cases before the authority under Section 50 of the A.P. Shops and Establishments Act, 1988 and the Labour Officer, Vijayawada, claiming that the management had not paid them salaries. The claim of the petitioners was allowed and the management was directed to pay the salaries and bonus. As the management did not pay the salaries and bonus, as directed by the authority, the petitioners filed an application in Crl.M.P. Nos. 936, 937 & 1544 of 1999 and 349 of 2000 on the file of the V Metropolitan Magistrate under Labour Laws and Factories Cases, Vijayawada. It is the case of the petitioners that while the Crl.M.P. is pending, the partners of M/s. Lakshmi General Stores, are selling away their properties, defeating their interests. Therefore, they filed the present writ petition praying to attach the properties of respondent Nos. 5 to 12.

The petitioners did not making M/s. Lakshmi General Stores, a party-respondent to the writ petition. According to the own version of the petitioners, as is evident from the affidavit filed in support of the writ petition, the Mandal Revenue Officer, Vijayawada Urban, invoking the provisions of Section 29 of the Revenue Recovery Act, 1864 had attached the building. The petitioners, for recovery of the amounts, had already filed Crl.M.P. Nos. 936, 937 & 1544 of 1999 and 349 of 2000 and the same are pending on the file of the V Metropolitan Magistrate under Labour Laws and Factories Cases, Vijayawada, and the same are still pending. The petitioners having chosen the mechanism available to them under law for recovery of the amounts granted to them by the authority under the Shops and Establishments Act, before the V Metropolitan Magistrate under Labour Laws and Factories Cases, Vijayawada, cannot maintain the present writ petition, and more so when according to the petitioners themselves, the Mandal Revenue Officer, Vijayawada Urban, had attached some of the properties, for recovery of the amounts under the Revenue Recovery Act, 1864.

For the foregoing reasons, there is no merit in the writ petition, and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Date: 20.04.2006

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